

FIFTY-SIXTH DAY
(Monday, April 25, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Absent-excused: Washington.

A quorum was announced present.

Father Don Sawyer, Our Lady of Lebanon Maronite Church, Austin, offered the invocation as follows:

O Most Blessed Trinity, God our Father, You who out of love have created and sustain us; God the Son, Jesus Christ, You who have suffered and died for us and have risen from the dead; God the Holy Spirit, You who are the source of light and holiness, come into our midst this day, making us one with You and with one another. Enter, we beseech You, into the minds and hearts of these chosen servants gathered here in this assembly so that they will carry out their duties and responsibilities as the elected representatives of Your people in the State of Texas. Inspire, strengthen and protect them with Your wisdom and power so that they will think and judge rightly in their deliberations and arrive at decisions that will be truly just and equitable and serve the welfare of all the citizens of this State. Please, Lord, preserve them from all narrowness and prejudice and from serving their own selfish interests or the special interests of any other individuals or groups.

In humble submission to Your holy will, we ask that You hear and grant our prayer in the holy name of Jesus our Saviour. We also ask that You grant all of us the blessing and constant security of a continued awareness of Your presence, the peace and joy of Your love. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 21, 1983, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Washington was granted leave of absence for today on account of important business on motion of Senator Brooks.

CO-AUTHOR OF SENATE BILL 1060

On motion of Senator Uribe and by unanimous consent, Senator Whitmire will be shown as Co-author of S.B. 1060.

CO-AUTHOR OF SENATE BILL 1258

On motion of Senator Henderson and by unanimous consent, Senator Whitmire will be shown as Co-author of S.B. 1258.

REPORT OF STANDING COMMITTEE

Senator Harris submitted the following report for the Committee on Economic Development:

H.J.R. 29
S.B. 827
H.B. 797
S.B. 1094 (Amended)

MESSAGE FROM THE HOUSE

House Chamber
April 25, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 97, Memorializing Congress to enact legislation to prevent the unwarranted diversion of European steel exports to the United States to pipe and tube products.

H.B. 18, Relating to defensive driving courses.

H.B. 65, Relating to the fee for an examination for a license to practice landscape architecture.

H.B. 719, Relating to the display and sale of unpackaged food.

H.B. 852, Relating to the application of the rule to certain agents of the State.

H.B. 885, Relating to the operation and continuation of the Texas Employment Commission.

H.B. 965, Relating to the authority of a commissioners court of a county to impose a fee for registering a vehicle in the county.

H.B. 1121, Relating to the tabulation of unofficial returns in certain races by the Secretary of State.

H.B. 1216, Relating to the designation of emergency interim successors to assume the powers and duties of unavailable legislators in the event of enemy attack.

H.B. 1299, Relating to the establishment of a pilot job training and work experience program for persons receiving financial assistance under the Aid to Families with Dependent Children program.

H.B. 1846, Relating to the conveyance of certain state real property in Fort Bend County.

H.B. 2002, Relating to the reinstatement or extension of the term of restrictive covenants that applied or that are applicable to certain residential real estate subdivisions.

S.B. 176, Relating to preservation of the view of the State Capitol from certain points and prohibition of certain construction.

S.B. 302, Relating to the commitment or recommitment of certain persons determined to be incompetent to stand trial.

S.B. 332, Relating to exclusion of certain credit insurance from the Texas Property and Casualty Insurance Guaranty Act.

S.B. 333, Relating to the status of certain decisions, regulations, orders, rules, acts, and administrative rulings of the State Board of Insurance on the filing of certain petitions in a specified district court.

S.B. 506, Relating to the powers and duties of the Corrigan Hospital District Board of Managers concerning hospital system facilities, property, and equipment.

S.B. 531, Repealing the use of the short form for the franchise tax.

S.B. 617, Relating to regulation of compressed natural gas by the Railroad Commission of Texas. (As substituted)

S.B. 658, Relating to withholding of amounts due for hotel occupancy tax, to successor liability for hotel occupancy tax, and to certain powers and duties of the state comptroller.

S.B. 664, Relating to the composition of a committee conducting a recount of paper ballots.

S.B. 989, Relating to certain fees charged by the secretary of state.

S.B. 1095, Relating to equipping vehicles with television-type receiving equipment used exclusively for the purpose of receiving digital information.

H.B. 134, Relating to the compensation of the judges of the district courts in Galveston County.

H.B. 230, Relating to the inspection of child-care institutions by the Harris County Juvenile Board.

H.B. 385, Relating to the compensation of presiding judges of certain administrative judicial districts.

H.B. 525, Relating to the control and eradication of anthrax.

H.B. 532, Relating to the time at which the board of directors of an appraisal district receives the proposed budget for the district.

H.B. 533, Relating to alternate jurors.

H.B. 624, Relating to the authority of certain counties concerning cemeteries.

H.B. 713, Relating to the authority of a county to pay certain expenses incurred by another county for the extension of a farm-to-market road.

H.B. 722, Relating to the limitation on the amount of funding for community education services.

H.B. 747, Relating to application of the offense of disorderly conduct to looking into a room in a hotel or similar establishment for a lewd or unlawful purpose.

H.B. 777, Relating to the composition of a county hospital's board of managers.

H.B. 930, Relating to predator control from aircraft in Jackson and Matagorda counties.

H.B. 936, Relating to annexation of city, town, or village territory by certain junior college districts.

H.B. 962, Relating to taxation of sample packages of cigarettes.

H.B. 1122, Relating to the definition of "newspaper" in Chapter 151 of the Tax Code and to the repeal of certain other taxes and fees.

H.B. 1145, Relating to the authority of water control and improvement districts to enter into certain contracts.

H.B. 1187, Relating to the validation of certain municipal annexations and other governmental acts and proceedings.

H.B. 1189, Relating to the validation of bonds, certificates of obligation, warrants, notes, or other evidences of debt issued by an incorporated city in connection with the acquisition of a waterworks system.

H.B. 1293, Relating to the amount charged by the county for the use of electronic voting equipment in a primary election.

H.B. 1422, Relating to approval of certain insurance policy forms and documents.

H.B. 1427, Relating to the manner in which a domestic insurance company may evidence its ownership of securities.

H.B. 1475, Relating to the authority of a county to issue bonds for a public library.

H.B. 1510, Relating to commercial feed and commercial fertilizer.

H.B. 1618, Relating to the exemption from the bond requirements for an alcoholic beverage permittee subject to the gross receipts tax on mixed beverages.

H.B. 1678, Relating to the hours of sale and consumption of alcoholic beverages.

H.B. 1741, Relating to advertising regulations under the Private Investigators and Private Security Agencies Act.

H.B. 1743, Relating to the depository for the Titus County Hospital District.

H.B. 1818, Relating to the service of process in an election contest.

H.B. 1925, Relating to the authority of certain cities to provide automobile liability insurance for peace officers and fire fighters.

H.B. 1936, Relating to the licensing of veterinarians in Texas.

H.B. 1953, Relating to conforming the Texas Litter Abatement Act and related statutes to legislation passed by the 67th Legislature.

H.B. 1958, Relating to certain powers and duties of the board of regents of the Texas Woman's University.

H.B. 2009, Relating to contracts, leases and other arrangements for the use and occupancy of airport property.

H.B. 2119, Relating to the marking of roads that follow historical routes.

H.B. 2143, Relating to permitting more than one policy of credit life or credit health and accident insurance, provided the aggregate insurance does not exceed the statutory limits imposed by the Texas Insurance Code.

H.B. 2292, Relating to the terms of office of directors of the Panhandle Ground Water Conservation District Number Three, South of the Canadian River, in Texas.

H.B. 2301, Relating to the establishment of a juvenile board in Crosby County.

H.B. 2304, Relating to approval of bonds and taxes by the qualified voters of the Hidalgo County Drainage District No. One.

H.B. 2306, Relating to the election and terms of office of the directors of the Lubbock County Water Control and Improvement District No. 1.

S.B. 316, Repealing the Texas Equal Health Standard Milk Sanitation Act of 1961, Article 165-3a, V.T.C.S.; repealing Article 4474a, V.T.C.S., relating to the manufacture and sale of filled milk; and declaring an emergency.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.C.R. 20

S.C.R. 44

S.C.R. 60

S.B. 228

S.B. 421

S.B. 435

S.B. 739

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Brooks and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1348 by Farabee Natural Resources
Relating to the powers, duties, financing, and territory of the Red River Authority.

S.B. 1349 by Santiesteban Intergovernmental Relations
Relating to withdrawal of El Paso County from the Texas County and District Retirement System and to provision of other service retirement, disability retirement, and death benefits for officers and employees of the county.

S.B. 1350 by Caperton Natural Resources
Relating to the creation, administration, powers, duties, operation, expansion, and financing of the New Ulm Municipal Utility District.

S.C.R. 82 by Brooks Health and Human Resources
Directing the Texas Department of Human Resources to establish a family violence advisory group to aid in development of the Family Violence Program.

S.C.R. 83 by Truan Health and Human Resources
Directing the Texas Department of Human Resources to conduct demonstration projects to aid family violence centers in upgrading their services.

S.C.R. 84 by Sarpalius Health and Human Resources
Directing the Texas Department of Human Resources to implement program models designed to improve the delivery of services to victims of family violence.

S.C.R. 85 by Sarpalius Health and Human Resources
Directing the Texas Department of Human Resources to pursue activities designed to heighten public awareness of the magnitude of spouse abuse and abuse of the elderly.

S.C.R. 86 by Sarpalius Health and Human Resources
Directing the Texas Department of Human Resources to study the feasibility of a 24-hour toll-free information system for persons involved in spouse abuse or abuse of the elderly.

S.C.R. 87 by Sarpalius Health and Human Resources
Directing the Texas Department of Human Resources to study programs for batterers.

S.C.R. 88 by Sarpalius Health and Human Resources
Directing the Texas Commission on Law Enforcement Officer Standards and Education to organize a subject area on family violence in its training.

S.C.R. 89 by Caperton Health and Human Resources
Directing the Governor's Criminal Justice Division to initiate continuing education programs on family violence for criminal justice professionals.

SENATE CONCURRENT RESOLUTION 90

Senator Farabee offered the following resolution:

WHEREAS, The Texas Legislature is honored to have visiting the Texas Capitol today a dedicated volunteer, committed to the promotion of mental health and concerned with the prevention of mental illness, Mrs. Rosalynn Carter; and

WHEREAS, The former First Lady of Georgia and the United States, Mrs. Rosalynn Carter, has given untold hours of loyal service to help the mentally ill citizens of the United States and Texas; and

WHEREAS, Active in the mental health field since 1970, this distinguished lady provided an impetus to the improved care and treatment of the mentally ill and called national attention to mental health issues concerning all Americans; and

WHEREAS, As First Lady of Georgia, she was a member of the Governor's Commission to improve services for the mentally and emotionally handicapped and initiated public concern for the mental health problem; and

WHEREAS, During her years in Washington, D.C., Mrs. Carter continued her involvement with mental health issues and concerns and was named Honorary Chairperson of the President's Commission on Mental Health; and

WHEREAS, Mrs. Carter was named "Mental Health Volunteer of the Decade" by the National Mental Health Association for her contributions as an advocate for reform in the field of mental health; and

WHEREAS, A member emeritus of the National Mental Health Association who has served as a volunteer of the Georgia Regional Hospital in Atlanta, Mrs. Carter is truly an outstanding lady whose efforts have served to address, counsel, and rehabilitate victims of the number one health problem in the United States today—mental illness; and

WHEREAS, It is indeed an honor to have Mrs. Rosalynn Carter, a recognized mental health advocate, join the members of the Texas Legislature and the citizens of Texas in observing the 30th anniversary of the casting of the Mental Health Bill; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the 68th Legislature extend cordial greetings to Mrs. Carter on the occasion of her visit to the State Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Mrs. Carter as a token of appreciation and gratitude for her work in the mental health field and as an expression of support from the Texas Legislature for continued advancement in improved care for the mentally ill.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Farabee and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE CONCURRENT RESOLUTION 91

Senator Farabee offered the following resolution:

S.C.R. 91, Encouraging all Texas to join volunteers and professionals in celebrating the progress in mental health care.

The resolution was read.

On motion of Senator Farabee and by unanimous consent, the resolution was considered immediately and was adopted.

CONFERENCE COMMITTEE ON SENATE BILL 89 DISCHARGED

Senator Glasgow moved that the Conference Committee on **S.B. 89** be discharged.

The motion prevailed.

The conference committee was discharged.

Senator Glasgow moved to concur in the House amendments to **S.B. 89**.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Santiesteban.

Absent: Whitmire.

Absent-excused: Washington.

SENATE BILL 203 WITH HOUSE AMENDMENTS

Senator Caperton called **S.B. 203** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.
Committee Amendment No. 1 - Madla

Amend **S.B. 203** as follows:

In Section 3 of the bill on page 3, line 3, strike the word "a" and insert the word "any" and insert the word "a" in between the words "or" and "misdemeanor".

Floor Amendment No. 1 - Denton

Amend **S.B. 203** by adding a new Section 6 immediately following Section 5 and renumber the succeeding Section in consecutive numerical sequence.

SECTION 6. Article 4551k, Revised Statutes, is amended to read as follows:

Article 4551k. A qualified dentist is authorized to take complete case histories and perform complete physical evaluations, which may be used for the purpose of admitting patients to hospitals for the practice of dentistry, to the extent such activities are necessary in the exercise of due care in conjunction with the practice of dentistry as defined by this Act Chapter, provided further that no dentist shall be automatically entitled to membership on the medical staff or to the exercise of any clinical privileges at a hospital merely because he has a license to practice dentistry or because he is authorized to take case histories and perform physical evaluations as stated herein nor shall any dentist be denied membership on the medical staff or the right to the exercise of any clinical privileges at a hospital on

the ground that the dentist holds a license to practice dentistry in this state rather than a license to practice medicine in this state.

Floor Amendment No. 2 - Hinojosa

Amend S.B. 203 by striking Section 2 of the bill and substituting a new Section 2 to read as follows:

SECTION 2. Article 4548i, Revised Statutes, is amended to read as follows:

Art. 4548i. PUNISHMENT. Any person who shall violate any provision of ~~[this Chapter or of]~~ Chapter Nine, Title 71, ~~[of the]~~ Revised ~~[Civil]~~ Statutes ~~[of Texas, as amended]~~, commits an offense. An offense under this section is a Class A misdemeanor. If it is shown at a trial of an offense under this section that the defendant was previously convicted under this section of any misdemeanor, the offense is a felony of the third degree [shall be fined not less than One Hundred Dollars (\$100), nor more than One Thousand Dollars (\$1,000), or be confined in jail from one (1) to twelve (12) months or both]. Each day of such violation shall be a separate offense.

The amendments were read.

Senator Caperton moved to concur in the House amendments.

The motion prevailed.

CONFERENCE COMMITTEE ON HOUSE JOINT RESOLUTION 19

Senator Parker called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H.J.R. 19 and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on H.J.R. 19 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Parker, Chairman; Caperton, Jones, McFarland and Vale.

CONFERENCE COMMITTEE REPORT SENATE BILL 98

Senator Traeger submitted the following Conference Committee Report:

Austin, Texas
April 22, 1983

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 98 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

TRAEGER

SMITH

BROOKS
EDWARDS
On the part of the Senate

MILLSAP
MADLA
On the part of the House

AN ACT

relating to the composition, powers, and duties of the Texas Board of Health, the Commissioner of Health, and the Texas Department of Health and the authority of the county commissioners court to expend money for its county's public health and sanitation; amending Title 71, Revised Statutes, as amended, by adding Article 4414b; repealing Sections 1, 1a, 2, 3, 4, 5, 8, 10, and 10A, Chapter 42, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Articles 4414a, 4414aa, 4415a, 4416a, 4417a, 4418a, 4418d, 4418f, and 4418g, Vernon's Texas Civil Statutes), and Articles 4419 and 4420, Revised Statutes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 71, Revised Statutes, as amended, is amended by adding Article 4414b to read as follows:

"Article 4414b. TEXAS DEPARTMENT OF HEALTH; TEXAS BOARD OF HEALTH

"Section 1.01. DEFINITIONS. In this Act:

"(1) 'Board' means the Texas Board of Health.

"(2) 'Commissioner' means the Commissioner of Health.

"(3) 'Department' means the Texas Department of Health.

"Section 1.02. CREATION. To better protect and promote the health of the people of Texas, the Texas Board of Health and the Texas Department of Health are created. The Texas Department of Health consists of the commissioner of health, an administrative staff, and the hospitals known as the San Antonio State Chest Hospital and the Harlingen State Chest Hospital.

"Section 1.03. APPLICATION OF SUNSET ACT. The Texas Board of Health and the Texas Department of Health are subject to the Texas Sunset Act, as amended (Article 5429k, Vernon's Texas Civil Statutes), and unless continued in existence as provided by that Act the board and the department are abolished effective September 1, 1985.

"Section 1.04. TEXAS BOARD OF HEALTH. (a) The board consists of 18 members appointed by the governor with the advice and consent of the senate. The governor shall make appointments so that the board is composed of:

"(1) six members who are physicians currently licensed under the laws of this state, each of whom has been engaged in the practice of medicine in this state for at least five years prior to appointment;

"(2) two members who are hospital administrators with at least five years' experience in hospital administration in this state prior to appointment;

"(3) one member who is a dentist licensed under the laws of this state and who has been engaged in the practice of dentistry in this state for at least five years prior to appointment;

"(4) one member who is a registered nurse licensed to practice professional nursing under the laws of this state and who has been engaged in the practice of nursing in this state for at least five years prior to appointment;

"(5) one member who is a veterinarian licensed under the laws of this state and who has been engaged in the practice of veterinary medicine in this state for at least five years prior to appointment;

"(6) one member who is a pharmacist licensed under the laws of this state and who has been engaged in the practice of pharmacy in this state for at least five years prior to appointment;

"(7) one member who is a nursing home administrator licensed under the laws of this state and who has been engaged as a nursing home administrator in this state for at least five years prior to appointment;

“(8) one member who is an optometrist licensed under the laws of this state and who has been engaged in the practice of optometry in this state for at least five years prior to appointment;

“(9) one member who holds a civil engineering degree from an accredited university or college, is licensed by this state as a professional engineer, and has specialized in the practice of sanitary engineering in this state for at least five years prior to appointment;

“(10) one member who is a doctor of chiropractic licensed under the laws of this state and who has been engaged in the practice of chiropractic in this state for at least five years prior to appointment; and

“(11) two members who are citizens who have none of the qualifications required of the other 16 members.

“(b) Members of the board serve for staggered terms of six years, with the terms of six members expiring on February 1 of each odd-numbered year.

“(c) Biennially, the governor shall designate one member as chairman and one member as vice-chairman.

“(d) A majority of the members of the board constitute a quorum for the transaction of business.

“(e) The board shall meet in Austin or in other places fixed by the board.

“(f) The board shall meet at least once each month on dates determined by the board and shall hold special meetings when called by the chairman. The chairman shall give timely notice of any special meeting to each member.

“(g) Members of the board receive no fixed salary. A board member is entitled to \$50 per day for each day spent in attending board meetings. A board member is also entitled to reimbursement for travel expenses and other necessary expenses incurred while performing an official duty.

“(h) Members of the board qualify by taking the constitutional oath of office. On presentation of the oath of office and the certificate of appointment, the secretary of state shall issue commissions to them, which are evidence of their authority to act.

“Section 1.05. DUTIES OF BOARD. (a) The board shall:

“(1) have general supervision and control of all matters pertaining to the health of citizens of this state;

“(2) employ the commissioner of health;

“(3) investigate the conduct of the work of the department and for this purpose shall have access at any time to all departmental books and records and may require written or oral information from a departmental officer or employee;

“(4) adopt rules, not inconsistent with law, for its own procedure and for the conduct and performance of every duty imposed on the board, the department, or the commissioner by law and shall file a copy of the rules with the department; and

“(5) examine, investigate, enter, and inspect as the board determines necessary any public place or public building for the discovery and suppression of disease and for the enforcement of any health or sanitation law of this state.

“(b) The board is responsible for the adoption of policies and rules and for the government of the department. The board shall supervise the commissioner's administration and enforcement of the health laws of the state. The board may delegate in writing any power or duty imposed on it by law, except the power or duty to adopt rules, to the commissioner of health or, in his absence, to the person acting as commissioner of health, including the authority to make final orders or decisions.

“(c) The board has all the powers, duties, and functions granted by law to the State Board of Health, the State Commissioner of Health, the State Department of Health, the Texas Department of Health, the Texas Board of Health Resources, and the Texas Department of Health Resources.

“(d) The board may appoint advisory committees to assist the board in performing its duties. If not otherwise specified by law, a member of an advisory

committee appointed by the board is entitled to receive \$50 for each advisory committee meeting the member attends and the per diem and travel allowance authorized by the General Appropriations Act for state employees. Two members of each advisory committee must be representatives of the general public. A person is eligible to be appointed and to serve as a public member of an advisory committee if the person and the person's spouse are not licensed by an occupational regulatory agency in the health care field, are not employed by any health care facility, agency, or corporation or by a corporation authorized to underwrite health care insurance, do not govern or administer a health care facility, agency, or corporation, and do not have, other than as consumers, a financial interest in a health care facility, agency, or corporation.

"Section 1.06. COMMISSIONER OF HEALTH. (a) The commissioner is the executive head of the department.

"(b) The commissioner is employed by the board and serves at the will of the board.

"(c) The commissioner must be a person licensed to practice medicine in this state.

"(d) The commissioner shall administer and enforce the health laws of this state under the board's supervision.

"(e) The commissioner shall perform the duties assigned to him by the board and state law, subject to the provisions of this Act.

"Section 1.07. APPROPRIATIONS; GRANTS; DONATIONS. To carry out its duties and functions, the department may apply for, contract for, receive, and expend any appropriations or grants from the state, the federal government, or any other public source, subject to any limitations and conditions prescribed by legislative appropriation. The department may accept donations and contributions to be expended in the interest of the public health and the enforcement of public health laws. The commissioners court of any county shall have the authority to appropriate and expend money from the general revenues of its county for and in behalf of public health and sanitation within its county."

SECTION 2. Any delegation before the effective date of this Act by the Texas Board of Health to the commissioner of health or to any designee of the board or the commissioner to perform any duties, acts, or functions, including the power to make final orders and decisions, is ratified.

SECTION 3. The members of the Texas Board of Health who hold office on the effective date of this Act serve until the expiration date of their terms.

SECTION 4. Sections 1, 1a, 2, 3, 4, 5, 8, 10, and 10A, Chapter 42, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Articles 4414a, 4414aa, 4415a, 4416a, 4417a, 4418a, 4418d, 4418f, and 4418g, Vernon's Texas Civil Statutes), and Articles 4419 and 4420, Revised Statutes, are repealed.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

SENATE BILL 595 WITH HOUSE AMENDMENT

Senator Brown called S.B. 595 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Pennington

Amend **S.B. 595** as follows:

(1) On page 2, line 17, strike the period and add the following:

“and that the contract price may be increased by no more than 10 percent because of the changes without the written consent of the owner.”

(2) On page 2, line 21, strike “15th” and substitute “45th”.

(3) On page 2, line 24, strike “15” and substitute “45”.

(4) On page 3, line 1, strike “15” and substitute “45”.

The amendment was read.

Senator Brown moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 752 ON THIRD READING

Senator Uribe asked unanimous consent to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

S.B. 752, Relating to the financing of hospital equipment; enacting the Texas Hospital Equipment Financing Act; and declaring an emergency.

There was objection.

Senator Uribe then moved to suspend the regular order of business and take up **S.B. 752** for consideration at this time on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Kothmann, Lyon, Mauzy, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Doggett, Howard, Leedom, Parker, Truan.

Absent-excused: Washington.

The bill was read third time and was finally passed by the following vote: Yeas 23, Nays 7.

Yeas: Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Jones, Kothmann, Lyon, Mauzy, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Doggett, Henderson, Howard, Leedom, Parker, Truan.

Absent-excused: Washington.

COMMITTEE SUBSTITUTE SENATE BILL 622 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 622, Relating to the pre-parole transfer of prisoners to community residential facilities.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 622 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 622 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 744 ON SECOND READING

On motion of Senator Kothmann and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 744, Relating to the establishment of a regional historical resource depository for south central Texas.

The bill was read second time.

Senator Kothmann offered the following committee amendment to the bill:

Amend **S.B. 744** as follows:

On page 2, line 8, strike "one-half of one cent"

On page 2, line 8, substitute the following:

(3) ten cents (10¢)

The committee amendment was read and was adopted.

On motion of Senator Kothmann and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 744 ON THIRD READING

Senator Kothmann moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 744** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 911 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 911, Relating to creation of a Criminal Justice Policy Council and its functions; the organization and functions of the Criminal Justice Coordinating Council and the elimination of the Criminal Justice Division Advisory Board and the executive funding committee.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 911 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 911** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed.

(President Pro Tempore Jones in Chair)

SENATE BILL 920 ON SECOND READING

Senator Leedom asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 920, Relating to the authority of the Texas Department of Human Resources to set and charge a fee for providing certain services.

There was objection.

Senator Leedom then moved to suspend the regular order of business and take up **S.B. 920** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parmer, Sarpalius, Sims, Traeger, Uribe, Whitmire, Williams.

Nays: Doggett, Parker, Santiesteban, Sharp, Truan, Vale.

Absent-excused: Washington.

The bill was read second time.

Senator Leedom offered the following committee amendment to the bill:

Amend SECTION 1, **S.B. 920**, by adding Subsection (i) to read as follows:

(i) The department may not deny services administered under this section to any person because of that person's inability to pay for services.

The committee amendment was read and was adopted.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 17, Nays 12.

Yeas: Blake, Brooks, Brown, Edwards, Farabee, Glasgow, Henderson, Howard, Jones, Leedom, McFarland, Montford, Sarpalius, Sims, Traeger, Whitmire, Williams.

Nays: Caperton, Doggett, Kothmann, Lyon, Mauzy, Parker, Parmer, Santiesteban, Sharp, Truan, Uribe, Vale.

Absent: Harris.

Absent-excused: Washington.

SENATE BILL 654 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 654, Relating to the exemptions from identification requirements for state-owned vehicles.

The bill was read second time.

Senator Traeger offered the following amendment to the bill:

Amend **S.B. 654** by adding the words "the Railroad Commission of Texas, the Texas Alcoholic Beverage Commission," immediately following the words "the Texas Parks and Wildlife Department," on page 2, line 1.

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 654 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 654** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Harris.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

(President in Chair)

SENATE BILL 970 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 970, Relating to financing, constructing, and operating certain causeways, bridges, and tunnels by certain counties.

The bill was read second time and was passed to engrossment.

SENATE BILL 970 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 970** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

MOTION TO PLACE SENATE BILL 602 ON SECOND READING

Senator Sarpalius moved to suspend the regular order of business to take up for consideration at this time:

S.B. 602, Relating to the period for which a student may be suspended from school.

The motion was lost by the following vote: Yeas 19, Nays 11. (Not receiving two-thirds vote of the Members present)

Yeas: Brown, Edwards, Farabee, Glasgow, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Sarpalius, Sharp, Sims, Traeger, Whitmire, Williams.

Nays: Blake, Brooks, Caperton, Doggett, Harris, Mauzy, Parmer, Santiesteban, Truan, Uribe, Vale.

Absent-excused: Washington.

COMMITTEE SUBSTITUTE SENATE BILL 106 ON SECOND READING

On motion of Senator Howard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 106, Relating to the continuation of the State Securities Board.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend **C.S.S.B. 106** by striking lines 3 through 16 on page 5 and substituting the following:

N. The sale and issuance of any securities issued by any farmers' cooperative association organized under Article 5737 et seq., Revised Civil Statutes of Texas, 1925, as amended; the sale and issuance of any securities issued by mutual loan corporations organized under Article 2500 et seq., Revised Civil Statutes of Texas, 1925; the sale and issuance of any equity securities issued by any cooperative association organized under the Cooperative Association Act, Article 1396-50.01, Vernon's Texas Civil Statutes; and the sale of any securities issued by any farmers' cooperative society organized under Article 2514 et seq., Revised Civil Statutes of Texas, 1925. Provided, however, this exemption shall not be applicable to agents and salesmen of any farmers' cooperative association, mutual loan corporation, cooperative association, or farmers' cooperative society when the sale of such securities is made to non-members, or when the sale of such securities is made to members or non-members and a commission is paid or contracted to be paid to the said agents or salesmen.

PARKER
DOGETT

The amendment was read and was adopted.

On motion of Senator Howard and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 106 ON THIRD READING

Senator Howard moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 106 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed.

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 1121, To Committee on State Affairs.

SENATE RULE 103 SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider **H.B. 1121** at 2:30 o'clock p.m. today.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 513 - By Caperton: Extending welcome to Dr. Norman E. Graham, Capitol Physician for the Day.

S.R. 514 - By Brown: Declaring April 30, 1983, as "Area 22 Special Olympics Day".

S.R. 515 - By Sharp: Extending welcome to the Junior and Senior classes from Austwell-Tivoli High School.

S.R. 516 - By Brooks: Commending Parents of Children with Down's Syndrome, Inc.

S.R. 517 - By Kothmann: Extending welcome to Melinda Bush, Honorary Page for the Day.

S.R. 518 - By Edwards: Extending welcome to Miss Laura Brooks and Miss Katherine Dove.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 12:37 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(April 14, 1983)

S.C.R. 2

S.C.R. 56

Signed by Governor
(April 21, 1983)

H.C.R. 171

Sent to Governor
(April 25, 1983)

S.C.R. 20

S.C.R. 44

S.C.R. 60

S.B. 228

S.B. 421

S.B. 435

S.B. 739

FIFTY-SEVENTH DAY

(Tuesday, April 26, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

Father Don Sawyer, Our Lady of Lebanon Maronite Church, Austin, offered the invocation as follows:

O God of power and might, we again present ourselves and our needs to Your loving care. In order to fulfill their responsibilities in the government of Texas, we beseech You to give all who are assembled here Your light, the moral strength of character and personal integrity to adhere to the commitments made by them to and for all the citizens of this great State. Protect and guide them in all matters that they will be called upon to solve and settle. May You make clear to each of them the solutions and decisions that are truly just and equitable for all and not just for any particular individual or group. May their love and regard for each other reflect Your infinite love and be seen in kind consideration and respect for all in this assembly. Help them to work for the common good, without seeking any self-glorification or gratification. As Your children, O Heavenly Father, we ask that You answer our petitions and accept our worship, praise and honor in the holy name of Jesus Christ, Our Saviour, Who lives and reigns with You in the unity of the Holy Spirit, one God forever and forever. Amen.

May we now go to the fulfillment of this day in the peace and joy of the love of God!

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
April 26, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE